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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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**UNITED STATES OF AMERICA,**

Plaintiff,

V.

**Jose Alfredo SOSA-Briseno**

Defendant.

Magistrate Case No.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

**DEPUTY**

**Title 8, U.S.C., Section 1326;  
Deported Alien Found in the  
United States**

'08 MJ 2257

The undersigned complainant, being duly sworn, states:

On or about **July 19, 2008**, within the Southern District of California, defendant, **Jose Alfredo SOSA-Briseno**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



**SIGNATURE OF COMPLAINANT**  
Deportation Officer  
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25<sup>th</sup> DAY OF JULY, 2008.



UNITED STATES MAGISTRATE JUDGE

### PROBABLE CAUSE STATEMENT

On July 19, 2008, a police officer with the San Diego Police Department arrested the defendant, Jose Alfredo SOSA-Briseno, for violation of Health and Safety Code 11550(a), "Under the Influence of a Controlled Substance". An Immigration Enforcement Agent subsequently interviewed the defendant in County jail and determined him to be a citizen and national of Mexico present in the United States in violation of law. The agent placed a Form I-247 (Immigration Detainer) pending his release from custody.

On July 24, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. Immigration computer database records' checks and a review of the defendant's Alien Registration File identified him as a national of Mexico having been previously deported from the United States to Mexico. The defendant was most recently ordered deported from the United States by an Immigration Judge on or about September 10, 1998, and removed to Mexico on September 11, 1998, via the Paso Del Norte, Texas, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Jose Alfredo SOSA-Briseno, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.